

JUDGE ANDERSEN

MAGISTRATE JUDGE SCHENKIER

AO

# Exhibit B

GSS America, Inc.  
1699 Wall Street, Suite 201  
Mount Prospect, IL 60056

Enclosed is the determination made on the Labor Condition Application which was submitted to the U.S. Department of Labor.

ETA Case Number I-07286-3714793



Labor Condition  
Application for H-1B  
& H-1B1 Nonimmigrants

U.S. Department of Labor  
Employment and Training Administration

Form ETA 9035E  
OMB Approval: 1205-0310  
Expiration Date: 30 NOV 2008

### ELECTRONIC FILING OF LABOR CONDITION APPLICATION FOR THE H-1B NONIMMIGRANT VISA PROGRAM

This Department of Labor, Employment and Training Administration (ETA), electronic filing system enables an employer to file a Labor Condition Application (LCA) and obtain certification of the LCA. This Form must be submitted by the employer or by someone authorized to act on behalf of the employer.

A.) I understand and agree that, upon my receipt of ETA's certification of the LCA by electronic response to my submission, I must take the following actions at the specified times and circumstances:

- print out and sign a hardcopy of the electronically filed and certified LCA;
- maintain a signed hardcopy of this LCA in my public access file;
- submit a signed hardcopy of this LCA to the Immigration and Naturalization Service in support of the I-129, on the date of submission of the I-129; and
- provide a signed hardcopy of this LCA to each H-1B nonimmigrant who is employed pursuant to the LCA.

☒ Yes ☐ No

B.) I understand and agree that, by filing the LCA electronically, I am attesting that all of the statements in the LCA are true and accurate and that I am undertaking all the obligations that are set out in the LCA (Form ETA 9035E) and the accompanying instructions (Form ETA 9035CP).

☒ Yes ☐ No

C.) I hereby choose one of the following options, with regard to the accompanying instructions:

☐ I choose to have the Form ETA-9035CP electronically attached to the certified LCA, and to be bound by the LCA obligations as explained in this form;

or

☒ I choose not to have the Form ETA-9035CP electronically attached to the certified LCA, but I have read the instructions and I understand that I am bound by the LCA obligations as explained in this Form.

## FORM CERTIFIED

Labor Condition  
Application for H-1B  
& H-1B NonimmigrantsU.S. Department of Labor  
Employment and Training AdministrationForm ETA 9035E  
OMB Approval: 1205-0310  
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## A. Program Designation

You must choose one:

☒ H-1B ☐ H-1B1 Chile ☐ H-1B1 Singapore ☐ E-3 Australian

## B. Employer's Information

2. Employer's Full Legal Name

GSS AMERICA, INC.

1. Return Fax Number

3. Employer's Address (Number and Street)

1699 WALL STREET, SUITE 201

4. Employer's City

MOUNT PROSPECT

State

IL

Zip/Postal Code

60056

5. Employer's Address EIN Number

36-4293147

6. Employer's Phone Number

(847) 640-3700

Extension

213

## C. Rate of Pay

1. Wage Rate (or Rate From) (Required):

\$50,000.00

3. Rate is Per:

☒ Year ☐ Week☐ Month ☐ Hour☐ 2 Weeks4. Is this position  
part-time?☐ Yes☒ NoPlease Note:  
Part-time hours  
worked by  
nonimmigrant(s) will  
be in the range of  
hours stated on the  
INS Form(s) I-129.

2. Rate Up To (Optional):

\$0.00

## D. Period Of Employment and Occupation Information

1. Begin Date

11/30/2007

3. Occupational Code

0 5 0

4. Number of H-1B or H-1B1 Nonimmigrants

0 0 1

2. End Date

11/30/2010

5. Job Title

PROGRAMMER/ANALYST

## E. Information relating to Work Location for the H-1B or H-1B1 Nonimmigrants

1. City

MOUNT PROSPECT

State

IL

2. Prevailing Wage

\$54,142.00

3. Wage is Per:

☒ Year ☐ Week☐ Month ☐ Hour☐ 2 Weeks

4. Wage Source

☐ SEBA☐ Collective  
Bargaining  
Agreement☒ Other

5. Year Source Published

2007

6. Other Wage Source

Online Wage Library

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E. Subsection A Information For Additional or Subsequent Work Location

1. City

State

2. Prevailing Wage

3. Year Source Published

6. Other Wage Source

3. Wage is Per:

- ☐ Year ☐ Week  
☐ Month ☐ Hour  
☐ 2 Weeks

4. Wage Source

- ☐ BESA  
☐ Collective  
Bargaining  
Agreement  
☐ Other

F. Employer Labor Condition Statements

Please Note: In order for your application to be processed, you MUST read section E of the Labor Condition Application cover pages under the heading "Employer Labor Condition Statements" and agree to all four labor condition statements summarized below:

- (1) Wages: Pay nonimmigrants at least the local prevailing wage or the employer's actual wage, whichever is higher, and pay for non-productive time. Offer nonimmigrants benefits on the same basis as U.S. workers.
- (2) Working Conditions: Provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed.
- (3) Strike, Lockout, or Work Stoppage: No strike or lockout in the occupational classification at the place of employment.
- (4) Notice: Notice to union or to workers at the place of employment. A copy of this form to H-1B or H-1B1 workers.

I have read and agree to Employer Labor Condition Statements 1, 2, 3, and 4 as set forth in Section E of the Labor Condition Application Cover Pages.

☒ Yes ☐ No

F-1. Additional Employer Labor Condition Statements - H-1B Employers Only

Please Note: In order for an application regarding H-1B nonimmigrants to be processed, you MUST read Section F-1 - Subsections 1 and 2 of the Labor Condition Application cover pages under the heading "Additional Employer Labor Condition Statements" and choose one of the 3 alternatives (A, B, or C) listed below in Subsection 1. If you mark Alternative B, you MUST read Section F-1 - Subsection 2 of the cover pages under the heading "Additional Employer Labor Condition Statements" and indicate your agreement to all 3 additional statements summarized below in Subsection 2.

1. Subsection 1

Choose ONE of the following 3 alternatives:

- A. ☐ Employer is not H-1B dependent and is not a willful violator.
- B. ☒ Employer is H-1B dependent and/or a willful violator.
- C. ☐ Employer is H-1B dependent and/or a willful violator BUT will use this application ONLY to support H-1B petitions for exempt nonimmigrants.

2. Subsection 2

If Alternative B in Subsection 1 is marked, the following Additional Labor Condition Statements are applicable:

- A. Displacement: Non-displacement of the U.S. workers in employer's work force;
- B. Secondary Displacement: Non-displacement of U.S. workers in another employer's work force; and
- C. Recruitment and Hiring: Recruitment of U.S. workers and hiring of U.S. worker applicant(s) who are equally or better qualified than the H-1B nonimmigrant(s).

I have read and agree to Additional Labor Condition Statements 2 A, B, and C.

☒ Yes ☐ No

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G. Public Disclosure Information

Public disclosure information will be kept at:

- ☒ Employer's principal place of business  
☐ Place of employment

H. Declaration of Employer

By signing this form, I, on behalf of the employer, attest that the information and labor condition statements provided are true and accurate; that I have read the sections E and F of the cover pages (Form ETA 9035CP), and that I agree to comply with the Labor Condition Statements as set forth in the cover pages and with the Department of Labor regulations (20 CFR part 655, Subparts H and I). I agree to make this application, supporting documentation, and other records, available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act.

1. First Name of Hiring or Other Designated Official

PARUL

MI

2. Last Name of Hiring or Other Designated Official

PATEL

3. Hiring or Other Designated Official Title

DIRECTOR

5. Date 10/26/2007

Making fraudulent representations on this Form  
can lead to civil or criminal action under 18 U.S.C.  
1001, 18 U.S.C. 1546, or other provisions of law.

4. Signature - Do NOT let signature extend beyond the box

Parul Patel

I. Contact Information

1. Contact First Name

RICHARD

MI

A

2. Contact Last Name

CAPALBY

3. Contact Phone Number

(847) 640-3700

Extension

213

J. U.S. Government Agency Use Only

By virtue of my signature below, I hereby acknowledge this application certified for

Date Starting 11/30/2007

and Date Ending 11/30/2010

Signature of Authorized Official

Chief, Division of Foreign Labor Certification

1-07296-3714793 10/23/2007

Signature and Title of Authorized DOL Official

ETA Case Number Date

The Department of Labor is not the guarantor of the accuracy, truthfulness, or adequacy of a certified labor condition application.

K. Complaints

Complaints alleging misrepresentation of material facts in the labor condition application and/or failure to comply with the terms of the labor condition application may be filed with any office of the Wage and Hour Division, U.S. Department of Labor. Complaints alleging failure to offer employment to an equally or better qualified U.S. worker, or an employer's misrepresentation regarding such offer(s) of employment, may be filed with: U.S. Department of Justice \* Office of the Special Counsel \* 10th St. and Constitution Ave, NW \* Washington, DC \* 20530.

FORM CERTIFIED

ETA Case Number 1-07296-3714793

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